

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Mortgage Capital Associates, Inc.,

Plaintiff,

v.

Case No. 09-14540

Joseph Dial, *et al.*,

Honorable Sean F. Cox

Defendants.

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**ORDER OF DISMISSAL,**  
**AS TO DEFENDANTS JOHN DOE 1 THROUGH 50,**  
**FOR FAILURE TO PROSECUTE AND/OR FAILURE TO SERVE**

On November 20, 2009, Plaintiff filed this action against the following Defendants: 1) Joseph Dial (“Dial”); 2) Infiniti Homes International, Inc. (“Infiniti”); 3) Federal Mortgage Corporation, Inc. (“FMCI”); 4) Colonial Title Company (“Colonial”); 5) Jazzsmon Lawrence (“Lawrence”); 6) Germaine Kilborne (“Kilborne”); and 7) “John Doe 1 through 50.”

On July 1, 2010, Plaintiff stipulated to the dismissal of its claims against Colonial. (Docket Entry No. 15).

On July 13, 2010, Plaintiff stipulated to the dismissal of its claims against Dial (Docket Entry No. 16), its claims against FMCI (Docket Entry No. 17), and its claims against Infiniti (Docket Entry No. 18).

In addition on July 13, 2010, this Court dismissed Plaintiffs’ claims against Defendants Lawrence and Kilborne for failure to effect timely service. (Docket Entry No. 19).

Thus, only Defendants “John Doe 1 through 50” remain in this action. Because Plaintiff had neither identified nor served any of the John Doe Defendants, this Court ordered Plaintiff to

show cause, in writing, no later than July 23, 2010, why its claims against Defendants John Doe 1 through 50 should not be dismissed for failure to prosecute and/or for failure to effect timely service.

Plaintiff has not filed any response to the Show Cause Order and the time for doing so has expired. Accordingly, Plaintiff's claims against the John Doe Defendants are hereby DISMISSED for failure to prosecute and/or for failure to effect timely service.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 11, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 11, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager